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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,870	02/09/2004	Brant L. Candlore	SNY-T5780.01	8804
24337 7590 03/23/2009 MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606				
EXAMINER MOORTHY, ARAVIND K				
ART UNIT 2431		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/774,870

**Applicant(s)**

CANDELORE ET AL.

**Examiner**

ARAVIND K. MOORTHY

**Art Unit**

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the amendment filed on 18 December 2008.
2. Claims 1-22 are pending in the application.
3. Claims 1-22 have been rejected.

***Response to Arguments***

4. Applicant's arguments filed 18 December 2008 have been fully considered but they are not persuasive.

On page 6, the applicant argues, with respect to claims 1 and 8, that Safadi does not disclose "at the point of deployment module device co-located with a retail host television receiver device" and "transcoding the stream of video data associated with said host display device". The applicant argues, with respect to claims 12 and 19, Safadi does not disclose "means for forming a part of the point of deployment module device co-located with a host retail television receiver device for receiving a stream of video data from the host television receiver device" and "a transcoder that transcodes the stream of video data associated with said host display device to convert the stream of video data to a second coding".

The examiner respectfully disagrees. Safadi discloses that the consumer device 200 may comprise any one of a plurality of consumer devices in the video delivery system, such as a television, a set-top terminal, a personal computer, an Internet appliance associated with the video delivery system (e.g., a web pad enabled for communications with a set-top terminal), or any other display device which may be integrated into the existing video delivery system. Safadi discloses providing streaming media in an existing video delivery system operated by a system operator 40. In this embodiment, the streaming media content is transcoded at transcoder 130

from a first format to a second format compatible with a consumer device 200. The transcoder 130 for transcoding the streaming media content may be located at a video delivery system headend (e.g., headend processing system 100). The transcoded streaming media content is then delivered to the consumer device 200 for decoding and display over an existing delivery network 60.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1, 8, 12 and 19 have been amended to include the limitation “module device co-located with a retail host television receiver device”. After a careful review of the specification as filed, the examiner finds no support for this amendment.

Any claims not directly addressed are rejected on the virtue of their dependency.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Safadi et al US 2003/0126608 A1.**

As to independent claim 1, Safadi et al discloses a method of manipulating a stream of video data in a point of deployment module device, comprising:

at the point of deployment module device co-located with a retail host television receiver device [0013]:

receiving a stream of video data from the host television receiver device, the stream of video data being received by the host television receiver device from a multimedia broadcaster and being encoded according to a first coding [0017];

transcoding the stream of video data associated with the host television receiver device to convert the stream of video data to a second coding, producing a transcoded data stream [0032]; and

sending the transcoded data stream back to the host television receiver device [0032].

As to claims 2 and 13, Safadi et al discloses that the stream of video data includes encrypted data [0041].

As to claims 3 and 14, Safadi et al discloses decrypting the encrypted data [0029].

As to claims 4 and 15, Safadi et al discloses encrypting the transcoded data stream [0041].

As to claims 5, 9, 16 and 20, Safadi et al discloses that the second coding comprises MPEG compliant coding [0015].

As to claims 6, 10, 17 and 21, Safadi et al discloses that the point of deployment module comprises a point of deployment module compliant with an OpenCable™ standard format [0013].

As to claims 7, 11, 18 and 22, Safadi et al discloses that the second coding comprises MPEG 2 compliant coding [0032]. Safadi et al discloses that the first coding comprises one of MPEG 4 compliant coding, MPEG 7 compliant coding, Wavelet compression coding, and AVC coding [0015].

As to independent claim 8, Safadi et al discloses a method of manipulating a stream of video data in a point of deployment module device, comprising:

at the point of deployment module device co-located with a retail host television receiver device [0013]:

receiving a stream of video data from the host television receiver device, the stream of video data being received by the host television receiver device from a multimedia broadcaster and being encrypted and encoded according to a first coding [0041];

decrypting the encrypted data [0029];

transcoding the stream of video data associated with the host television receiver device to convert the stream of video data to a second coding, producing a transcoded data stream [0032];

encrypting the transcoded data stream [0041]; and

sending the encrypted transcoded data stream back to the host television receiver device [0032].

As to independent claim 12, Safadi et al discloses a point of deployment module device for manipulation of a stream of data, comprising:

means forming a part of the point of deployment module device co-located with a retail host television receiver device for receiving a stream of video data from the host television receiver device, the stream of video data being received by the host television receiver device from a multimedia broadcaster and being encoded according to a first coding [0017];

a transcoder forming a part of the point of deployment module device that transcodes the stream of video data to convert the stream of video data to a second coding, producing a transcoded data stream [0032]; and

means forming a part of the point of deployment module device for sending the transcoded data stream back to the host television receiver device [0032].

As to independent claim 19, Safadi et al discloses a point of deployment module device for manipulation of a stream of data, comprising:

means forming a part of the point of deployment module device co-located with a retail host television receiver device for receiving a stream of video data from the host television receiver device [0017], the stream of video data being received by the host television receiver device from a multimedia broadcaster and being encrypted and encoded according to a first coding [0041];

a decrypter forming a part of the point of deployment module device that decrypts the encrypted data [0029];

a transcoder forming a part of the point of deployment module device that transcodes the stream of video data associated with the host television receiver device to convert the stream of video data to a second coding, producing a transcoded data stream [0032];

an encrypter forming a part of the point of deployment module device that encrypts the transcoded data stream [0041]; and

means forming a part of the point of deployment module device for sending the encrypted transcoded data stream back to the host television receiver device [0032].



***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARAVIND K. MOORTHY whose telephone number is (571)272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aravind K Moorthy/  
Examiner, Art Unit 2431  
/Ayaz R. Sheikh/  
Supervisory Patent Examiner, Art Unit 2431